

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CHRISTO LASSITER,	:	
	:	
Plaintiff,	:	NO. 1:10-CV-010
	:	
v.	:	
	:	<b>OPINION AND ORDER</b>
DEVON DULLAGHAN, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Magistrate Judge's September 30, 2010 Report and Recommendation (doc. 30), to which no objections were filed. Finding no clear error on the face of the record, the Court ADOPTS and AFFIRMS the Report.

In brief, this action essentially arises out of a custody dispute between Plaintiff and Defendant Dullaghan. In response to Plaintiff's complaint, Defendant Dullaghan filed a motion to dismiss on three bases: that "Christo Lassiter" is Plaintiff's nickname not his legal name; that the complaint improperly identifies the names and ages of Defendant Dullaghan's minor children; and that Defendant Dullaghan was not properly served with a copy of the summons and complaint because the complaint was left by Plaintiff with Defendant Dullaghan's husband and she had, as of the date of filing, not received a summons or a request for waiver of summons (doc. 9). Plaintiff then filed a motion for sanctions, arguing that the issues and counterclaims Defendant Dullaghan raised in her answer to

Plaintiff's complaint have already been litigated in other courts (doc. 16).

The Magistrate Judge found no legal support for Dullaghan's position that Plaintiff's complaint should be dismissed because he filed under his nickname (doc. 30). In addition, the Magistrate Judge found that Dullaghan's issues with respect to the identification of the minor children were moot; that the "strong preference" for decisions on the merits militated in favor of extending more time to properly serve Dullaghan; and that, because Dullaghan's counterclaims were not properly before the Court because service had yet to be perfected, Plaintiff's motion for sanctions was premature (Id.).

Because no objections to the Magistrate Judge's report were filed, the Court must merely satisfy itself that there is no clear error on the face of the record. See, e.g., Advisory Committee Notes to Fed. R. Civ. P. 72; Thomas v. Arn, 474 U.S. 140, 150(1985)("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Not only does the Court find no clear error on the face of the record, the Court finds that the Magistrate Judge's Report and Recommendation is thorough, well-reasoned and correct. Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in all respects (doc.

30). Therefore, Defendant Dullaghan's motion to dismiss is DENIED (doc. 9), and Plaintiff's motion for sanctions is DENIED without prejudice (doc. 16).

SO ORDERED.

Dated: January 12, 2011

/s/ S. Arthur Spiegel

S. Arthur Spiegel  
United States Senior District Judge